

NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S.) § 41101(B)(14)). Substantive Policy Statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice substantive policy statement does not include internal procedural documents which may only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties in accordance with A.R.S. Title 41.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Guidelines for issuing a citation
PSD Policy #5.05
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
October 1, 1993
3. **Summary of the contents of the substantive policy statement:**
This policy outlines Plant Services Division guidelines for issuing a citation. It details the kinds of forms which can be used and how to cite regarding violations of the state's native plant law.
4. **A statement as to whether the substantive policy statement is a new statement or a revision:**
New policy statement.
5. **The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:**
Name: Edward Sanchez, Chief of Strategic Planning
Address: Department of Agriculture
1688 West Adams, Room 214
Phoenix, Arizona 85007
Telephone: (602) 542-0938
Fax: (602) 542-5420
6. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**
Copies may be obtained from the Environmental Services Division of the Department of Agriculture, 1688 West Adams, Phoenix, Arizona 85007, or from the Chief of Strategic Planning mentioned in question 5. The 1st copy is free to a member of the public, for a non-commercial purpose. Additional copies are available at 25¢ per page.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Establishing or changing pest relating
PSD Policy # 5.06
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
June 1, 1993
3. **Summary of the contents of the substantive policy statement:**
This policy outlines Plant Services Division guidelines for establishing or changing a pest rating. The policy establishes a pest evaluation committee, rating considerations, State Agricultural Laboratory responsibilities, and rating categories.
4. **A statement as to whether the substantive policy statement is a new statement or a revision:**
New policy statement.

Notices of Substantive Policy Statements

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Ozonium root rot certification
PSD Policy #5.08

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

June 1, 1993

3. Summary of the contents of the substantive policy statement:

This policy outlines Plant Services Division guidelines for Ozonium root rot certification. This policy details procedures regarding certifications, inspections, laboratory determinations, deadlines, certified soils, certified plants, and loss of certification privileges.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

5. The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

California rejected infested shipments
PSD Policy #5.10

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

June 1, 1993

Notices of Substantive Policy Statements

3. Summary of the contents of the substantive policy statement:

This policy addresses Plant Services Division guidelines for infested shipments from California which are rejected.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Quarantine/Nursery - Inspection of shipments for imported fire ants
PSD Policy # 5.12

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

June 28, 1995

3. Summary of the contents of the substantive policy statement:

This policy addresses Plant Services Division guidelines for the Quarantine/Nursery Program and inspection of shipments for imported fire ants (IFA) and other ants at destination, and disposition of infested shipments. It details inspection of regulated shipments and paperwork requirements and includes extensive information in the appendices.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

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NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF AGRICULTURE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Cotton policies and procedures
PSD Policy #5.13
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
November 22, 1993
3. **Summary of the contents of the substantive policy statement:**
This policy addresses the Department's authority to declare, inspect for, and eradicate cotton crop pest nuisances under the Cotton Plow Earned Rebate (PLOWER)/Abatement Program.
4. **A statement as to whether the substantive policy statement is a new statement or a revision:**
New policy statement.
5. **The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:**
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NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF AGRICULTURE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Phytosanitary application guidelines; inspections for cotton
PSD Policy # 5.20
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
January 24, 1994
3. **Summary of the contents of the substantive policy statement:**
This policy outlines the Plant Services Division's steps in conducting inspections of cotton seed crop for diseases and insects in order to properly issue a phytosanitary certificate for export purposes.
4. **A statement as to whether the substantive policy statement is a new statement or a revision:**
New policy statement.
5. **The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:**
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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

Phytosanitary application guidelines; inspections for small grains
PSD Policy # 5.21

2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

January 24, 1994

3. **Summary of the contents of the substantive policy statement:**

This policy outlines the Plant Services Division's steps in conducting inspections of small grains seed crops for diseases and insects in order to properly issue a phytosanitary certificate for export purposes.

4. **A statement as to whether the substantive policy statement is a new statement or a revision:**

New policy statement.

5. **The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:**

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

Phytosanitary application guidelines; inspections for vegetables
PSD Policy # 5.22

2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

January 24, 1994

3. **Summary of the contents of the substantive policy statement:**

This policy outlines the Plant Services Division's steps in conducting inspections of vegetable seed crops for diseases and insects in order to properly issue a phytosanitary certificate for export purposes.

4. **A statement as to whether the substantive policy statement is a new statement or a revision:**

New policy statement.

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Pre-notification application for phytosanitary field inspection seed crop for export
PSD Policy # 5.24

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

January 24, 1994

3. Summary of the contents of the substantive policy statement:

This Plant Services Division policy states that those requesting applications for Phytosanitary Field Inspection of Seed Crop for Export must 1st obtain a Pre-notification Application from Department of Agriculture offices and must submit it to the Seed Program Specialist at least 3 weeks before the planting date of the seed crop. The policy explains form requirements.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Seed crops - application and field inspection record guidelines
PSD Policy # 5.25

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

January 24, 1994

Arizona Administrative Register
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3. Summary of the contents of the substantive policy statement:

This Plant Services Division policy outlines the guidelines for filling out and submitting an application for Phytosanitary Field Inspection of Seed Crop for Export and Field Inspection Records.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Commercial vehicle inspections
PSD Policy # 5.207

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

November 3, 1995

3. Summary of the contents of the substantive policy statement:

This Plant Services Division Policy establishes procedures for commercial vehicle inspections at the eastern and western ports of entry. The guidelines describe the forms and stamps required for specific commodities and appliances.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

5. The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:

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NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF AGRICULTURE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Ant inspections
PSD Policy # 5.209
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
November 3, 1995
3. **Summary of the contents of the substantive policy statement:**
This Plant Services Division policy establishes guidelines for ant inspections at Arizona's ports of entry.
4. **A statement as to whether the substantive policy statement is a new statement or a revision:**
New policy statement.
5. **The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:**
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NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF AGRICULTURE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Quarantine/Nursery - nematode sampling and disposition of infested shipments
PSD Policy # 5.45
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
June 28, 1995
3. **Summary of the contents of the substantive policy statement:**
This Plant Services Division policy states that soil samples shall be collected from shipments of nursery stock originating in areas infested with Reniform Nematode, *Rotylenchulus reniformis*. It outlines procedures to be followed when obtaining soil samples to determine the presence of regulated nematodes.
4. **A statement as to whether the substantive policy statement is a new statement or a revision:**
New policy statement.
5. **The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:**
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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Policy for processing permits for live insects, plant pathogens, beneficials, bio-tech and soil, and for environmental impact statement (EIS) responses and environmental assessment (EA) responses and post-entry inspections.

PSD Policy # 5.57

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

March 22, 1995

3. Summary of the contents of the substantive policy statement:

The purpose of this Plant Services Division policy is to outline the procedures to be followed when processing the above mentioned permits, statement, and responses; to identify the forms to be used by the Department of Agriculture as well as those used by the U.S. Department of Agriculture and others; and to identify the statements in the EIS and EA responses.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Definitions of safety observer
ESD Policy # 91-01

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

July 29, 1991

3. Summary of the contents of the substantive policy statement:

This policy requires that a safety observer is used during aerial applications of Toxicity Category I pesticides. The policy also sets up the requirements of the observer.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Marking of containers by sellers as required by R3-10-309(B)
ESD Policy # 91-02

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

July 29, 1991

3. Summary of the contents of the substantive policy statement:

This policy requires sellers to mark all sealed and partial containers with the appropriate seller/grower numbers.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

5. The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Time frame for earning continuing education credit
ESD Policy # 91-05

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issue date: October 29, 1991
Effective date: November 18, 1991

Arizona Administrative Register
Notices of Substantive Policy Statements

3. Summary of the contents of the substantive policy statement:

This policy outlines the time frame for certified applicators and pest control advisors to obtain the required continuing education requirements.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

5. The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Enforcement of alleged violations of the bloom provisions of SLN's issued for the use of Dimethoate on citrus for thrips control
ESD Policy # 91-06

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issue date: October 29, 1991

Effective date: November 18, 1991

3. Summary of the contents of the substantive policy statement:

This policy outlines the enforcement of alleged violations of the bloom provisions of SLN's issued for the use of Dimethoate on citrus for thrips control.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

5. The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:

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NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF AGRICULTURE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

Spraying rights-of-way (public roads, electric power lines, pipelines, railway, and rights-of-way) within Arizona by a person acting as a custom applicator when in business for the purposes of right-of-way pest control

ESD Policy # 91-07

2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

Issue date: October 29, 1991

Effective date: November 18, 1991

3. **Summary of the contents of the substantive policy statement:**

This policy outlines the requirements for a person to obtain for spraying rights-of-way (public roads, electric power lines, pipelines, railway, and rights-of-way) within Arizona for the purpose of pest control.

4. **A statement as to whether the substantive policy statement is a new statement or a revision:**

New policy statement.

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NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF AGRICULTURE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

Repeated de minimis violations

ESD Policy # 91-08

2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

Issue date: October 29, 1991

Effective date: November 18, 1991

3. **Summary of the contents of the substantive policy statement:**

This policy establishes that a 3rd de minimis violation is considered nonserious provided that all 3 de minimis violations have involved similar situations and circumstances and all 3 de minimis violations have occurred within the past 3 years.

4. **A statement as to whether the substantive policy statement is a new statement or a revision:**

New policy statement.

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Copies may be obtained from the Environmental Services Division of the Department of Agriculture, 1688 West Adams, Phoenix, Arizona 85007, or from the Chief of Strategic Planning mentioned in question 5. The 1st copy is free to a member of the public, for a non-commercial purpose. Additional copies are available at 25¢ per page.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Circumstances and time for issuing de minimis violations

ESD Policy # 91-09

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issue date: October 29, 1991

Effective date: November 18, 1991

3. Summary of the contents of the substantive policy statement:

This policy outlines the Department's position on the circumstances and time limits for issuing de minimis violations.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

5. The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:

Name: Edward Sanchez, Chief of Strategic Planning

Address: Department of Agriculture
1688 West Adams, Room 214
Phoenix, Arizona 85007

Telephone: (602) 542-0938

Fax: (602) 542-5420

6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies may be obtained from the Environmental Services Division of the Department of Agriculture, 1688 West Adams, Phoenix, Arizona 85007, or from the Chief of Strategic Planning mentioned in question 5. The 1st copy is free to a member of the public, for a non-commercial purpose. Additional copies are available at 25¢ per page.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Form 1080 recordkeeping violations

ESD Policy #92-11

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

April 28, 1992

3. Summary of the contents of the substantive policy statement:

This policy sets up the criteria by which recordkeeping violations will be considered de minimis violations. The policy also describes the consequence of continuing to have minor violations after being apprised of the situation via letter from the department.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

Arizona Administrative Register
Notices of Substantive Policy Statements

5. The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:

Name: Edward Sanchez, Chief of Strategic Planning
Address: Department of Agriculture
1688 West Adams, Room 214
Phoenix, Arizona 85007
Telephone: (602) 542-0938
Fax: (602) 542-5420

6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies may be obtained from the Environmental Services Division of the Department of Agriculture, 1688 West Adams, Phoenix, Arizona 85007, or from the Chief of Strategic Planning mentioned in question 5. The 1st copy is free to a member of the public, for a non-commercial purpose. Additional copies are available at 25¢ per page.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Application week for custom applicators
ESD Policy # 92-12

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issue date: April 20, 1992
Effective date: April 21, 1992

3. Summary of the contents of the substantive policy statement:

This policy gives the guidelines for the application week for custom applicators. The application week relates to the due date for Form 1080.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New policy statement.

5. The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:

Name: Edward Sanchez, Chief of Strategic Planning
Address: Department of Agriculture
1688 West Adams, Room 214
Phoenix, Arizona 85007
Telephone: (602) 542-0938
Fax: (602) 542-5420

6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies may be obtained from the Environmental Services Division of the Department of Agriculture, 1688 West Adams, Phoenix, Arizona 85007, or from the Chief of Strategic Planning mentioned in question 5. The 1st copy is free to a member of the public, for a non-commercial purpose. Additional copies are available at 25¢ per page.

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF AGRICULTURE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Parameters for determining a de minimis violation versus a nonserious violation in cases alleging drift to a school, residence, day care center, or health care institution.
ESD Policy # 92-13

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2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:
June 2, 1992
3. Summary of the contents of the substantive policy statement:
This policy gives the guidelines for determining a de minimis violation versus a nonserious violation in cases alleging drift to a school, residence, day care center, or health care institution.
4. A statement as to whether the substantive policy statement is a new statement or a revision:
New policy statement.
5. The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:
Name: Edward Sanchez, Chief of Strategic Planning
Address: Department of Agriculture
1688 West Adams, Room 214
Phoenix, Arizona 85007
Telephone: (602) 542-0938
Fax: (602) 542-5420
6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:
Copies may be obtained from the Environmental Services Division of the Department of Agriculture, 1688 West Adams, Phoenix, Arizona 85007, or from the Chief of Strategic Planning mentioned in question 5. The 1st copy is free to a member of the public, for a non-commercial purpose. Additional copies are available at 25¢ per page.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF REVENUE

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:
Gross income derived from business activity under the commercial lease classification; TPR 95-17
2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:
December 20, 1995
3. Summary of the contents of the substantive policy statement:
This ruling addresses the items that represent taxable and nontaxable gross income sources typically received by persons engaged in business classified under the commercial lease classification. The list of items are not intended to be exhaustive nor all inclusive.
4. A statement as to whether the substantive policy statement is a new statement or a revision:
This ruling rescinds Sales Tax Ruling 1-13-85.
5. The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:
Name: Tax Research and Analysis Section
Address: Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007
Telephone: (602) 542-4672
6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:
Anyone wishing to obtain a copy of this document should call 1 of the following Phoenix telephone numbers 255-3381 or 1-800-352-4090 (from within Arizona only), or write to:

Taxpayer Information and Assistance
Department of Revenue
P.O. Box 29086
Phoenix, Arizona 85038

This information is also available on the electronic bulletin board system (BBS) at (602) 542-5557.

Arizona Administrative Register
Notices of Substantive Policy Statements

Editor's Note: The following Notice of Substantive Policy Statement appeared in the March 15, 1996, issue of the Register and contained an error. The word "agency" was omitted from question #1. It is reprinted correctly below.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF REVENUE

1. **Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

Transaction Privilege Tax Ruling, TPR 95-21. Elements necessary to establish a valid agency agreement for purposes of the Arizona transaction privilege tax under the prime contracting classification.

2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

December 20, 1995

3. **Summary of the contents of the substantive policy statement:**

A valid agency agreement, for purposes of the exclusions provided in A.A.C. R15-5-608(C) and R15-5-629(B) must be a written agreement which manifests the intent to create an agency relationship. If separate from the construction agreement, the agency agreement must be dated and signed by both principal and agent. The agreement must vest in the agent the authority to make purchases on behalf of the principal (i.e., to bind the principal) and must reserve to the principal the right to control or direct the manner by which such purchases are made. An agency agreement may be for all purchases of materials and supplies used on the project or for items specifically designated in the agreement. Additionally, no other provisions of the construction agreement may negate or modify the provisions of the agency agreement.

An agency agreement cannot be entered into retroactively. Therefore, only purchases made on behalf of the principal after the agency agreement has been entered into may be excluded from the tax base under the prime contracting classification. Purchases made prior to the date an agency agreement was entered into may not be deducted from the tax base.

For a valid agency to exist, there must be an agreement which establishes the essential elements of an agency relationship and which is substantiated by conduct of the parties consistent with the agreement.

4. **A statement as to whether the substantive policy statement is a new statement or a revision:**

This is a new statement.

5. **The name, address, and telephone number of the person to whom questions about the substantive policy statement may be directed:**

Name: Tax Research and Analysis Section
Address: Department of Revenue
1600 West Monroe
Phoenix, Arizona 85007
Telephone Number: (602) 542-4672

6. **Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**

Anyone wishing to obtain a copy of this document should call 1 of the following Phoenix telephone numbers 255-3381 or 1-800-352-4090 (from within Arizona only) or write to:

Taxpayer Information and Assistance
Department of Revenue
P.O. Box 29086
Phoenix, Arizona 85038

This information is also available on the electronic bulletin board system (BBS) at (602) 542-5557.